

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

In Re:)
)
RONALD STEVEN KELLEY,)
and VALERIE DAWN KELLEY,) **Case No. 14-61027-abf7**
)
Debtors.)
)
VALERIE DAWN KELLEY,)
)
Plaintiff,) **Adversary No. _____**
)
vs.)
)
)
MOHELA a/k/a MISSOURI HIGHER)
EDUCATION LOAN AUTHORITY;)
AMERICAN EDUCATION SERVICE;)
PENNSYLVANIA HIGHER EDUCATION)
ASSISTANCE AGENCY; MASSACHUSETTS)
DEPARTMENT OF HIGHER EDUCATION;)
and MISSOURI DEPARTMENT OF HIGHER)
EDUCATION,)
)
Defendants.)

COMPLAINT

COMES NOW Plaintiff Valerie Dawn Kelley, by and through her attorneys of record, Polsinelli, P.C., and for her Adversary Complaint against Defendants Missouri Higher Education Loan Authority; American Education Service; Pennsylvania Higher Education Assistance Agency; Massachusetts Department of Higher Education; and Missouri Department of Higher Education, states, alleges, and avers as follows:

GENERAL ALLEGATIONS AND PARTIES

1. Plaintiff Valerie Dawn Kelley (hereinafter “Plaintiff”) and Ronald Steven Kelley filed their joint voluntary petition under Chapter 7 of the Bankruptcy Code on August 1, 2014, in the United States Bankruptcy Court for the Western District of Missouri.

2. This action arises out of that Chapter 7 Bankruptcy proceeding, Case No. 14-61027-abf7, now pending before this Court.

3. This adversary proceeding is commenced pursuant to 11 U.S.C. § 101 et. seq. and Federal Rule of Bankruptcy Procedure 7001 et. seq.

4. This Court has jurisdiction over the subject matter of this Complaint as it is a core proceeding pursuant to the provisions of 28 U.S.C. §§ 1334 and 157(b)(I).

5. This Complaint is to determine the dischargeability of a debt pursuant to 11 U.S.C. § 523(a)(8).

6. Venue is proper in this adversary proceeding under 28 U.S.C. §§ 1408-1409.

7. Defendant MOHELA a/k/a Missouri Higher Education Loan Authority is a contracted servicer for the U.S. Department of Education and can be served at 633 Spirit Drive, Chesterfield, MO 63005.

8. Defendant American Education Service is a company established by the Pennsylvania Higher Education Assistance Agency to service Federal Family Education Loan Program and private student loan products and can be served at 1200 N. 7th St., Harrisburg, PA 17120-1419 or P.O. Box 61047, Harrisburg, PA 17106-1047 or P.O. Box 2461, Harrisburg, PA 17105-2461.

9. Defendant Pennsylvania Higher Education Assistance Agency is a student aid organization and can be served c/o AES Loan Forgiveness Group at P.O. Box 2461, Harrisburg, PA 17105-2461.

10. Defendant Massachusetts Department of Higher Education is a statutorily created agency in Massachusetts and can be served at 454 Broadway, Suite 200, Revere, MA 02151.

11. Defendant Missouri Department of Higher Education is a Missouri department operating under the direction of Missouri's Coordinating Board for Higher Education and can be served at P.O. Box 1469, Jefferson City, MO 65102-1469.

DISCHARGE OF STUDENT LOAN DEBT

12. Plaintiff has identified \$90,318.00 in student loan debt. As shown on Schedule F of Plaintiff's petition for relief, upon information and belief, these student loans are held and/or serviced by the Defendants as follows:

a. Defendant American Education Services and/or Defendant Pennsylvania Higher Education Assistance Agency: \$52,952.00

b. Defendant MOHELA a/k/a Missouri Higher Education Loan Authority: \$29,213.00

c. Defendant Massachusetts Department of Higher Education: \$8,050.00

d. Defendant Missouri Department of Higher Education: \$103.00

13. Unless otherwise ordered by the Court, this student loan debt is exempted from discharge pursuant to 11 U.S.C. § 523(a)(8).

14. Plaintiff seeks a discharge of this debt because exempting this debt from discharge will impose an undue hardship on Plaintiff because:

a. Plaintiff's income is insufficient to make payments on this debt;

b. Plaintiff's mental and medical conditions make it impossible for her to find employment to enable her to make the payments on this debt;

15. Plaintiff asks that the Court enter a Judgment in her favor discharging any and all indebtedness owed to Defendants because exemption of this debt from discharge will impose an undue hardship on Plaintiff.

WHEREFORE, Plaintiff Valerie Dawn Kelley asks that the Court enter Judgment in her favor and against Defendants discharging any and all indebtedness owed to Defendants and for such other and further relief as the Court deems just and proper.

Respectfully Submitted,

POLSINELLI, PC

By /s/ John M. Tyner

John M. Tyner

Missouri Bar No. 58864

Polsinelli, PC

901 St. Louis, Suite 1200

Springfield, MO 65806

(417) 869-3353

(417) 869-9943 (fax)